

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB0086**

Introduced 1/17/2025, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-3 from Ch. 38, par. 1003-3-3
730 ILCS 5/3-3-5 from Ch. 38, par. 1003-3-5
730 ILCS 5/3-3-16 new

Amends the Unified Code of Corrections. Provides that a committed person who has attained the age of 55 years and served at least 25 consecutive years of incarceration, excluding any person sentenced to natural life imprisonment for a Class X felony violation of criminal sexual assault, aggravated criminal sexual assault, or predatory criminal sexual assault of a child, shall be eligible to submit a petition to the Prisoner Review Board seeking parole. Specifies factors that the Board must consider as shown by the petition or as shown at the hearing. Provides that victims and victims' families shall be notified in a timely manner and be provided the opportunity to participate at the parole hearing concerning the petitioner's application for parole under this provision in accordance with the Rights of Crime Victims and Witnesses Act, the Open Parole Hearings Act, and this provision. Provides that Prisoner Review Board hearings under this provision shall be conducted by a panel of at least 3 members of the Board and a majority vote of the panel is required to grant the petition and release the petitioner on parole. Provides that the Board shall render its decision within a reasonable time after the hearing. Provides that when the panel votes to deny parole, a rationale shall be prepared by at least one member of the panel that states the basis for the denial, including the primary factors considered. Provides that in its decision, the Board shall set the person's time for parole or if it denies parole, it shall provide for a rehearing no later than 3 years after denial of parole. Provides that this provision applies retroactively to all persons serving any sentence that was or is imposed before, on, or after the effective date of the amendatory Act, and the period of incarceration for eligibility of each such person to submit a petition for parole is based on all previous consecutive years of incarceration served by that person before, on, and after the effective date of the amendatory Act.

LRB104 03071 RLC 15005 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-3 and 3-3-5 and by adding Section 3-3-16
6 as follows:

7 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

8 Sec. 3-3-3. Eligibility for parole or release.

9 (a) Except for those offenders who accept the fixed
10 release date established by the Prisoner Review Board under
11 Section 3-3-2.1, every person serving a term of imprisonment
12 under the law in effect prior to the effective date of this
13 amendatory Act of 1977 shall be eligible for parole when he or
14 she has served:

15 (1) the minimum term of an indeterminate sentence less
16 time credit for good behavior, or 20 years less time
17 credit for good behavior, whichever is less; or

18 (2) 20 years of a life sentence less time credit for
19 good behavior; or

20 (3) 20 years or one-third of a determinate sentence,
21 whichever is less, less time credit for good behavior.

22 (b) No person sentenced under this amendatory Act of 1977
23 or who accepts a release date under Section 3-3-2.1 shall be

1 eligible for parole.

2 (c) Subject to Section 3-3-16 ~~Except for those sentenced~~
3 ~~to a term of natural life imprisonment,~~ every person sentenced
4 to imprisonment under this amendatory Act of 1977 or given a
5 release date under Section 3-3-2.1 of this Act shall serve the
6 full term of a determinate sentence less time credit for good
7 behavior and shall then be released under the mandatory
8 supervised release provisions of paragraph (d) of Section
9 5-8-1 of this Code.

10 (d) (Blank). ~~No person serving a term of natural life~~
11 ~~imprisonment may be paroled or released except through~~
12 ~~executive clemency.~~

13 (d-5) Except as otherwise provided in Section 3-3-16, a
14 person serving a term of natural life imprisonment or life
15 imprisonment without the possibility of parole is eligible for
16 parole under Section 3-3-16 and mandatory supervised release
17 under subsection (d) of Section 5-8-1.

18 (e) Every person committed to the Department of Juvenile
19 Justice under the Juvenile Court Act of 1987 and confined in
20 the State correctional institutions or facilities if such
21 juvenile has not been tried as an adult shall be eligible for
22 aftercare release under Section 3-2.5-85 of this Code.
23 However, if a juvenile has been tried as an adult he or she
24 shall only be eligible for parole or mandatory supervised
25 release as an adult under this Section.

26 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)

1 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

2 Sec. 3-3-5. Hearing and determination.

3 (a) The Prisoner Review Board shall meet as often as need
4 requires to consider the cases of persons eligible for parole.
5 Except as otherwise provided in paragraph (2) of subsection
6 (a) of Section 3-3-2 or in Section 3-3-16 of this Act, the
7 Prisoner Review Board may meet and order its actions in panels
8 of 3 or more members. The action of a majority of the panel
9 shall be the action of the Board.

10 (b) If the person under consideration for parole is in the
11 custody of the Department, at least one member of the Board
12 shall interview him or her, and a report of that interview
13 shall be available for the Board's consideration. However, in
14 the discretion of the Board, the interview need not be
15 conducted if a psychiatric examination determines that the
16 person could not meaningfully contribute to the Board's
17 consideration. The Board may in its discretion parole a person
18 who is then outside the jurisdiction on his or her record
19 without an interview. The Board need not hold a hearing or
20 interview a person who is paroled under paragraphs (d) or (e)
21 of this Section or released on Mandatory release under Section
22 3-3-10.

23 (c) The Board shall not parole a person eligible for
24 parole if it determines that:

25 (1) there is a substantial risk that he or she will not

1 conform to reasonable conditions of parole or aftercare
2 release; or

3 (2) his or her release at that time would deprecate
4 the seriousness of his or her offense or promote
5 disrespect for the law; or

6 (3) his or her release would have a substantially
7 adverse effect on institutional discipline.

8 (d) (Blank).

9 (e) A person who has served the maximum term of
10 imprisonment imposed at the time of sentencing less time
11 credit for good behavior shall be released on parole to serve a
12 period of parole under Section 5-8-1.

13 (f) The Board shall render its decision within a
14 reasonable time after hearing and shall state the basis
15 therefor both in the records of the Board and in written notice
16 to the person on whose application it has acted. In its
17 decision, the Board shall set the person's time for parole, or
18 if it denies parole it shall provide for a rehearing not less
19 frequently than once every year, except that the Board may,
20 after denying parole, schedule a rehearing no later than 5
21 years from the date of the parole denial, if the Board finds
22 that it is not reasonable to expect that parole would be
23 granted at a hearing prior to the scheduled rehearing date. If
24 the Board shall parole a person, and, if he or she is not
25 released within 90 days from the effective date of the order
26 granting parole, the matter shall be returned to the Board for

1 review.

2 (f-1) If the Board paroles a person who is eligible for
3 commitment as a sexually violent person, the effective date of
4 the Board's order shall be stayed for 90 days for the purpose
5 of evaluation and proceedings under the Sexually Violent
6 Persons Commitment Act.

7 (g) The Board shall maintain a registry of decisions in
8 which parole has been granted, which shall include the name
9 and case number of the prisoner, the highest charge for which
10 the prisoner was sentenced, the length of sentence imposed,
11 the date of the sentence, the date of the parole, and the basis
12 for the decision of the Board to grant parole and the vote of
13 the Board on any such decisions. The registry shall be made
14 available for public inspection and copying during business
15 hours and shall be a public record pursuant to the provisions
16 of the Freedom of Information Act.

17 (h) The Board shall promulgate rules regarding the
18 exercise of its discretion under this Section.

19 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;
20 99-628, eff. 1-1-17.)

21 (730 ILCS 5/3-3-16 new)

22 Sec. 3-3-16. Long-term incarceration; petition for parole.

23 (a) A committed person who has attained the age of 55 years
24 and served at least 25 consecutive years of incarceration,
25 excluding any person sentenced to natural life imprisonment

1 for a Class X felony violation of criminal sexual assault,
2 aggravated criminal sexual assault, or predatory criminal
3 sexual assault of a child, shall be eligible to submit a
4 petition to the Prisoner Review Board seeking parole.

5 (b) The Board shall hold a hearing on each petition, and in
6 determining whether an eligible person should be granted
7 parole, the Prisoner Review Board shall consider the following
8 factors as shown by the petition or as shown at the hearing:

9 (1) a statement by the petitioner as to the reasons
10 why the petitioner believes he or she should be paroled,
11 including estimated costs of continuing imprisonment and,
12 if sought by the petitioner, a risk assessment by a third
13 party;

14 (2) evidence of the petitioner's rehabilitation during
15 the period of the petitioner's incarceration, including
16 evidence of the petitioner's remorse for his or her
17 criminal behavior, if applicable, and his or her
18 commitment not to recidivate; maintaining innocence shall
19 not prevent a person from being granted parole;

20 (3) character references and community support for the
21 petitioner's release;

22 (4) evidence of the petitioner's participation in
23 educational programs, vocational programs, substance abuse
24 programs, behavior modification programs, life skills
25 courses, re-entry planning, or correctional industry
26 programs and evidence of the petitioner's participation in

1 independent efforts at rehabilitation;

2 (5) evidence of the petitioner's employment history in
3 the correctional institution;

4 (6) whether the petitioner is likely to commit another
5 crime;

6 (7) the present likelihood and ability of the
7 petitioner, if released, to pose a substantial danger to
8 the physical safety of a specifically identifiable person
9 or persons; and

10 (8) the petitioner's plans for housing upon release
11 from incarceration.

12 If the programs described in paragraph (4) of this
13 subsection (b) or employment opportunities were not available
14 in the correctional institution, the Board shall not penalize
15 the committed person in his or her petition for parole under
16 this Section.

17 (c) Victims and victims' families shall be notified in a
18 timely manner and be provided the opportunity to participate
19 at the parole hearing concerning the petitioner's application
20 for parole under this Section in accordance with the Rights of
21 Crime Victims and Witnesses Act, the Open Parole Hearings Act,
22 and this Section.

23 (d) Prisoner Review Board hearings under this Section
24 shall be conducted by a panel of at least 3 members of the
25 Board and a majority vote of the panel is required to grant the
26 petition and release the petitioner on parole.

1 (e) The Board shall render its decision within a
2 reasonable time after the hearing. When the panel votes to
3 deny parole, a rationale shall be prepared by at least one
4 member of the panel that states the basis for the denial,
5 including the primary factors considered. In its decision, the
6 Board shall set the person's time for parole, or if it denies
7 parole, it shall provide for a rehearing no later than 3 years
8 after denial of parole.

9 (f) This Section applies retroactively to all persons
10 servng any sentence that was or is imposed before, on, or
11 after the effective date of this amendatory Act of the 104th
12 General Assembly, and the period of incarceration for
13 eligibility of each such person to submit a petition for
14 parole is based on all previous consecutive years of
15 incarceration served by that person before, on, and after the
16 effective date of this amendatory Act of the 104th General
17 Assembly. The application of this amendatory Act of the 104th
18 General Assembly is necessary in order to serve important
19 public purposes, including providing a means for incarcerated
20 individuals to be restored to useful citizenship in accordance
21 with Article I, Section 11 of the Illinois Constitution, and
22 decreasing the rising costs of incarceration.